

PATENT  
3081  
DOCKET NO. AME1255P0013US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

EDWARD T. JONES ET AL.

Serial No.: 09/377,121

Filed: August 19, 1999

For: DIESEL FUEL ADDITIVE  
COMPOSITION AND METHOD  
FOR THE TREATMENT OF  
DIESEL FUELS

Art Unit: 1721

Examiner: Not Assigned

CERTIFICATE OF MAILING

Signature

Denise Allen

PETITION UNDER 37 CFR §1.47(b)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The above-identified patent application was filed on August 19, 1999, with a Declaration excluding the first-named inventor, Edward T. Jones, and is a continuation-in-part of the parent application, AME1255P0010US. A Missing Parts was issued on September 3, 1999, reciting a requirement for inventor's

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Included with this Petition is a Declaration signed by the additional inventors, Richard Fisher and Lewis Herro.

A bona fide attempt has not been made to present a copy of the applications papers (specification, including claims, drawings and Declaration to Edward T. Jones, a citizen of the United States, with a last-known residence of 836 N. Eighth Avenue, Sturgeon Bay, Wisconsin, 54235. Mr. Jones is a former employee of the Assignee and is currently involved in litigation regarding his former obligations and duties to the Assignee. He has on previous occasions refused to execute documents.

Attached hereto is a copy of the Declaration filed in the parent application, serial no. 09/156,420, which Mr. Jones did indeed execute. Also, attached is a copy of the document submitted to the patent office for recordal in lieu of an Assignment. That document indicates that Mr. Jones was required to assign the parent application as well as the present application to the Assignee.

Since Edward T. Jones refuses to sign the Declaration of this application, the undersigned hereby petitions that the Declaration executed by the additional inventors Richard Fisher, a United States citizen, residing at 1221 East Donges Court,

citizen, residing at 945 13<sup>th</sup> Street, Grafton, Wisconsin 53024, on behalf of themselves, and the copy of the Declaration from the parent application executed by Edward T. Jones, on behalf of himself, be accepted under the provisions of 37 CFR §1.47 (b).

Accompanying this Declaration is the petition fee of \$130.00 (37CFR §1.17(i)). Should any additional fees be deemed necessary, the Commissioner is authorized to charge our Deposit Account No. 04-1644. The Commissioner is further authorized to credit our deposit account for any excess fee paid.

Respectfully submitted,



Kathleen A. Lyons  
Kathleen A. Lyons, Reg. No. 31,852

November 10, 1999  
ROCKEY, MILNAMOW & KATZ, LTD.  
TWO PRUDENTIAL PLAZA  
180 N. STETSON, SUITE 4700  
CHICAGO, IL 60601  
(312) 616-5400



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CERTIFICATE OF MAILING

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) I hereby certify that the attached paper is  
being deposited with the United States Postal  
Service as "Express Mail Post Office To  
Addressee" Express Mail No. EL655409269US  
service under 37 CFR §1.10, addressed to the  
Commissioner For Patents, Washington, DC  
20231 on December 5, 2000.

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Signature

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REQUEST FOR RECONSIDERATION  
OF PETITION UNDER 37 C.F.R. §1.47(a)

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JUN 9 2001

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

FRM: M. L. (JL)

Dear Sir:

On October 5, 2000, Applicants' petition under C.F.R. § 1.47(b) was refused because the petition indicated that a

bonafide attempt had not been made to obtain a the signature on an oath and/or declaration of the missing inventor, Edward T. Jones. This request for reconsideration is in response to the decision refusing Applicants' petition.

Upon receipt of the decision refusing the petition, counsel for Applicants' made a bona fide attempt to obtain the signature of the missing inventor, Edward T. Jones, 836 No. 8th Ave., Sturgeon Bay, Wisconsin 54235. Indeed, on October 26, 2000, counsel for Applicants sent to Mr. Jones, by Federal Express, the patent application and oath and declaration for review and signature. A copy of that transmittal letter is attached hereto as Exhibit A. Mr. Jones' response, dated November 13, 2000, is attached hereto as Exhibit B. In that response, Mr. Jones refused to sign the documents.

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In his letter (Exhibit B), Mr. Jones indicated that his refusal to sign is based upon his assertions that the invention in the parent application, Application Serial No. 09/156,420, was

Applicants' belief that Mr. Jones refusal to sign is simply based upon his position as a disgruntled former consultant who has been involved in litigation with the assignee of the present application, as will be more apparent hereinafter. Indeed, in view of earlier statements by Mr. Jones, Applicants filed an information disclosure statement in the parent application setting forth the dispute with Mr. Jones and resolution of that dispute. Copies of that IDS, along with the Declaration of Richard Fisher, are attached hereto as Exhibit C.

In view of the foregoing, Applicants submit that their request for reconsideration of their petition under 37 C.F.R. § 1.47(a) should be granted. It is apparent that Applicants have complied with the Patent Office rules and that Edward T. Jones will not sign the necessary papers. Therefore, Applicants should be allowed to proceed as if Mr. Jones did indeed sign the oath and declaration.

Applicants believe that no fees are due for this

is hereby authorized to charge Deposit Account No. 04-1644. If an extension of time is needed, this statement should be considered a petition for such an extension; the Patent Office is hereby authorized to Charge Deposit Account No. 04-1644 for and any fees for such an extension.

Respectfully submitted,

  
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Kathleen A. Lyons, Reg. No. 31,852

ROCKEY, MILNAMOW & KATZ, LTD.  
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December 5, 2000